

FORM SUMMARY

Name of Form:	Capias
Form Number:	JD-1714
Statutory Reference:	§§48.28 and 938.28, Wisconsin Statutes
Benchbook Reference:	JV 2, JV 4, & JV 13
Purpose of Form:	To order law enforcement to take a person (generally a child/juvenile) into custody
Who Completes It:	Court personnel for signature by judge/court commissioner
Distribution of Form:	Original to court file, copy to law enforcement
Accompanying Forms:	Generally none
New Form/Modification:	Modification, last update 05/01.
Modifications:	Added a column for severity to describe if a misdemeanor or felony.
Comments:	This form is intended to be used in both chapter 48 and chapter 938 proceedings. There is no separate form number for chapter 48.

RMC has been advised that some counties may not honor a capias that does not include reference to the underlying statutory "offense." Although such a reference is required in an arrest warrant, no similar statutory requirement is needed for a capias. Further, a juvenile capias does not necessarily originate as a result of a criminal act for which there is an underlying statutory "offense." This is further complicated by the fact that a capias may be issued for a parent of a child/juvenile. If it is believed that a reference should be made, RMC recommends including such language under the "special directions/instructions" box. This box can also be used for such things as:

- directions to law enforcement as to what they are to do with the child when apprehended;
- whom law enforcement is to contact upon apprehension;
- special identifying physical characteristics of the juvenile, such as tatoos, aliases, etc.;
- special warnings concerning the dangerousness of the particular individual;
- comments about locations or places where the subject is known to frequent or acquaintances with whom the individual is known to associate.

About this form: **This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.**

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.